



# **Clarke County Fire and Rescue**

## **Standard Operating Guideline**

<b>Subject:</b> Procedural Complaint	<b>SOG:</b> 100.09	<b>Page</b> 1 <b>of</b> 3
<b>Category:</b> General – Procedural Complaints		<b>Sub Category:</b> Procedural Complaint
<b>Approved by:</b> Fire and EMS Director, Boyce VFD Chief, Blue Ridge VFD Chief, John H. Enders VFD Chief		<b>Effective Date:</b> 7/1/2017

### **Purpose**

To resolve disputes between two or more parties within the CCFR or complaints from the public, this SOG does not exclude any County, State or Federal laws or policies. This procedure/guideline does not include complaints in reference to EMS patient care; these complaints shall follow the Quality Assurance procedure/guideline.

### **Definitions**

The following definitions have been adopted for use;

- CCFR – Clarke County Fire and Rescue

### **Complaint Procedure**

1. An employee, member of one of the Volunteer organizations or public must identify the issue in writing. A written complaint can be one that is translated from one individual to another.
2. All complaints in reference to Patient Care will follow the Quality Assurance and Review Process.
3. All complaints in reference to an incident scene/management may also include the Incident Commander of said incident.
4. The complaint must be submitted to the Chief of the department or the Director of Fire, EMS and Emergency Management.
5. If the Director receives a complaint in reference to a volunteer's actions he/she will pass on the complaint to the Chief of the Department. If a Chief of a department receives a complaint in reference to one of the career personnel he/she will pass on the complaint to the Director.
6. The Chief or the Director will review of the complaint and determine if further information is needed. The Chief or the Director may assign further investigation of the complaint to another member of the organization.
7. If the Chief or the Director believe or discover any criminal action was taken they shall pass on the complaint to the Clarke County Sheriff's Office.
8. If the complaint is in reference to the actions of a Volunteer Chief or the Director the County Administrator shall receive the complaint.

9. Upon the completion of any investigation (if needed) the Chief or the Director will respond to the complainant in writing the conclusion of their findings and any actions taken with the exception to any personnel action.
10. All actions, notes and information shall be recorded in a file. The file will include but not limited to the complainants contact information (name, address, phone number, email), the nature of the complaint and actions taken.
11. Any and all files of complaints will be kept for a minimum of three years.

## **Grievance Procedure**

1. Step 1: Department Head(s) Hearing
  - a. Any employee or volunteer member must identify the issue in writing within twenty (20) calendar days of the complaint resolution or (20) days following the time when the member/employee reasonably should have gained knowledge of the conclusion.
  - b. Once the written request for review is received by the Volunteer Chief or the Director, a written response must be presented to the complainant within twenty (20) calendar days.
2. Step 2: Formal Panel
  - a. If the complainant is not satisfied with, and does not accept, the proposed resolution from the Chief or the Director or if they fail to respond within the required time frame, the complainant may advance to Step 2 of this procedure.
  - b. The complainant must request a formal panel hearing within ten (10) calendar days of receiving the Chief or Director's response. This must be done in writing to either the Chief or the Director.
  - c. The Chief or Director then must empanel a group and set a hearing date. The panel must communicate in writing their findings and recommended resolution within ten (10) calendar days.
  - d. The panel will consist of no more than one officer from another department, the Chief of the department or another department and the Director of Fire, EMS and Emergency Management
3. Step 3: Fire-EMS Commission Review
  - a. If the complainant is not satisfied with, and does not accept, the proposed resolution from the Formal Panel or if they fail to respond within the required time frame, the complainant may advance to Step 3 of this procedure.
  - b. The complainant must request the Fire-EMS Commission review within ten (10) calendar days of receiving the Formal Panel's response.
  - c. The Fire-EMS Commission Chair must meet and review the previous actions of the Formal Panel. At his/her discretion they may call witnesses or request further documentation.
  - d. The findings of the Fire-EMS Commission must be communicated to all parties involved within ten (10) calendar days of their review. The written findings and recommendations are considered final and binding, subject to existing policies, procedures and law.

## **Timelines, Deadlines and Hours for Holding Hearings**

1. Time intervals specified above may be extended by mutual consent of the parties involved.
2. When a deadline falls on Saturday, Sunday, or a County holiday the next normal working day shall be considered the last calendar day.
3. AS far as practical, all hearings shall be held at a time most convenient to the parties involved.

## **Participants in the Process**

1. The complainant at his/her option, may have present a representative of their choice. If the complainant is represented by legal counsel, all parties involved, including the county have the option of legal representation.
2. County employees who are necessary participants shall not lose pay for time lost or charged leave for time away from work because of attendance at any hearing/panel. If the hearing or panel is outside of employees scheduled work hours they will be compensated as required.

## **Recording Devices**

1. The use of a recording device or court reporter is not permitted at the Step 1 hearing.
2. Only the Step 2 Formal Panel may be recorded
3. If the Step 2 Panel is recorded it is the responsibility
4. The recording will be for the purpose of review, if necessary, during Step 3 of this process.

## **Hearing/Panel Protocol**

1. Hearing and panels are not intended to be conducted like proceedings in court and rules of evidence do not necessarily apply.
2. At the request of either party step of this process shall be private
3. The hearing officer or panel shall determine the propriety of the weight to be given the evidence submitted.
4. Both the complainant and the opposing part have the right to call witnesses. All witnesses including the complainant shall be subject to examination and cross examination.
5. Witnesses may only be present when actually giving testimony.

## **Expenses**

1. Each party shall bear the cost and expenses, if any of his/her legal counsel or representatives.